

ASSEMBLY BILL

No. 2347

Introduced by Assembly Member Achadjian

February 24, 2012

An act to amend Section 38562 of the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

AB 2347, as introduced, Achadjian. California Global Warming Solutions Act of 2006: emission reduction measures.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions.

This bill would make a technical, nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 38562 of the Health and Safety Code is
- 2 amended to read:
- 3 38562. (a) On or before January 1, 2011, the state board shall
- 4 adopt greenhouse gas emission limits and emission reduction

1 measures by regulation to achieve the maximum technologically
2 feasible and cost-effective reductions in greenhouse gas emissions
3 in furtherance of achieving the statewide greenhouse gas emissions
4 limit, to become operative beginning ~~on~~ January 1, 2012.

5 (b) In adopting regulations pursuant to this section and Part 5
6 (commencing with Section 38570), to the extent feasible and in
7 furtherance of achieving the statewide greenhouse gas emissions
8 limit, the state board shall do all of the following:

9 (1) Design the regulations, including distribution of emissions
10 allowances where appropriate, in a manner that is equitable, seeks
11 to minimize costs and maximize the total benefits to California,
12 and encourages early action to reduce greenhouse gas emissions.

13 (2) Ensure that activities undertaken to comply with the
14 regulations do not disproportionately impact low-income
15 communities.

16 (3) Ensure that entities that have voluntarily reduced their
17 greenhouse gas emissions prior to the implementation of this
18 section receive appropriate credit for early voluntary reductions.

19 (4) Ensure that activities undertaken pursuant to the regulations
20 complement, and do not interfere with, efforts to achieve and
21 maintain federal and state ambient air quality standards and to
22 reduce toxic air contaminant emissions.

23 (5) Consider cost-effectiveness of these regulations.

24 (6) Consider overall societal benefits, including reductions in
25 other air pollutants, diversification of energy sources, and other
26 benefits to the economy, environment, and public health.

27 (7) Minimize the administrative burden of implementing and
28 complying with these regulations.

29 (8) Minimize leakage.

30 (9) Consider the significance of the contribution of each source
31 or category of sources to statewide emissions of greenhouse gases.

32 (c) In furtherance of achieving the statewide greenhouse gas
33 emissions limit, by January 1, 2011, the state board may adopt a
34 regulation that establishes a system of market-based declining
35 annual aggregate emission limits for sources or categories of
36 sources that emit greenhouse gas emissions, applicable from
37 January 1, 2012, to December 31, 2020, inclusive, that the state
38 board determines will achieve the maximum technologically
39 feasible and cost-effective reductions in greenhouse gas emissions,
40 in the aggregate, from those sources or categories of sources.

1 (d) Any regulation adopted by the state board pursuant to this
2 part or Part 5 (commencing with Section 38570) shall ensure all
3 of the following:

4 (1) The greenhouse gas emission reductions achieved are real,
5 permanent, quantifiable, verifiable, and enforceable by the state
6 board.

7 (2) For regulations pursuant to Part 5 (commencing with Section
8 38570), the reduction is in addition to any greenhouse gas emission
9 reduction otherwise required by law or regulation, and any other
10 greenhouse gas emission reduction that otherwise would occur.

11 (3) If applicable, the greenhouse gas emission reduction occurs
12 over the same time period and is equivalent in amount to any direct
13 emission reduction required pursuant to this division.

14 (e) The state board shall rely upon the best available economic
15 and scientific information and its assessment of existing and
16 projected technological capabilities when adopting the regulations
17 required by this section.

18 (f) The state board shall consult with the Public Utilities
19 Commission in the development of the regulations as they affect
20 electricity and natural gas providers in order to minimize
21 duplicative or inconsistent regulatory requirements.

22 (g) After January 1, 2011, the state board may revise regulations
23 adopted pursuant to this section and adopt additional regulations
24 to further the provisions of this division.